

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

KEVIN DALE BOWMAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00099

SHERIFF GARY LINVILLE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

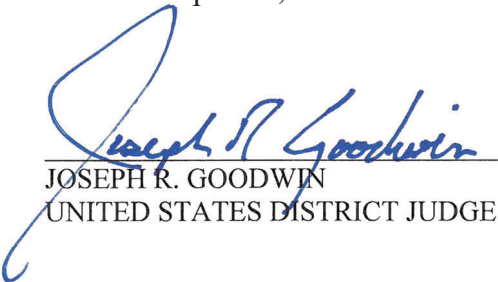
This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On March 18, 2025, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations (“PF&R”), [ECF No. 47], and recommended that Defendants’ Motion to Dismiss Under Rule 37 of the Federal Rules of Civil Procedure [ECF No. 41] be granted and that the court dismiss this civil action with prejudice. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. Accordingly, Defendants' Motion to Dismiss Under Rule 37 of the Federal Rules of Civil Procedure, [ECF No. 41], is **GRANTED** and the court **DISMISSES** this matter from the docket **WITH PREJUDICE**.

The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party.

ENTER: April 23, 2025



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE